IN THE UNITED CORNERS 1 BY STOR 468-LIERT SPEAR BY DECLIMENTAL BILLIAND 1991 12 ENRIGHT 124

ANTHONY BUSSEY - PLAINTIFF

V.

OFFICER SMITH

OFFICER AWSTRAD

HEARING BYAMINER REISINGER
DEFENDANTS

("JURY TRIAL DEMANDED")

CLUIL NO . -

1:12-00-469

SCRANTON

MAR 1 5 2012

Per DEPUTY CLEEN

I. JURISDICTION + VENUE

- 1. THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S. C. SECTION 1983 TO REDRESS THE DEPRIVATION, UNDER COLOR OF STATE LAW, OF RIGHT'S SECURED BY THE CONSTITUTION OF THE UNITED STATES. THE COURT HAS JURISDICTION UNDER 28 U.S.C. SECTION 1331 AND 1343 (A) (3). PLAINTIFF BUSSEY SEEKS DECLARATORY RELIEF PURSUANT TO 288 U.S.C. 2201 AND 2202.
- 2. THE MIDDLE DISTRICT OF PENNSYLVANIA ES AN APPROPRIATE VENUE UNDER 28 U.S. C. SECTION 1391(B)(2) BECAUSE ET ES WHERE THE EVENTS GIVING RISE TO THIS CLAIM OCCURRED.

II. PLAINTIFF

3. PLAINTIFF ANTHONY BUSSEY, ES AND WAS AT ALL TIMES MENTIONED HEREDU A PRISONER OF THE STATE OF PENNSYLVANIA EN THE CUSTON OF THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS.
HE ES CURRENTLY CONFINED ON SCE-CAMP HILL'S SPECIAL MANAGEMENT UNIT, SMU, ON PENNSYLVANIA.

III. DEFENDANTS

4. DEFENDANT OFFICER SMITH IS A CORRECTIONAL OFFICER OF THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD THE RANK OF

- 5. DEFENDANT OFFICER ANSTEAD ES A CORRECTIONAL OFFICER OF THE PENNSYLVANIA DEPURTMENT
 OF CORRECTIONS WHID, AT ALL TIMES MENTIONED EN THIS COMPLAINT, HELD THE RANK OF
 PRISON GUARD AND WAS ASSIGNED TO SCE-CAMP HILLS SPECIAL MANAGEMENT UNIT.
- 6. DEPENDANT REISINGER IS A HEARING BEAMINER OF THE PENNSYLVANIA DEPARTMENT OF LORRECTIONS WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD THE POSITION OF HEARING EXAMINER AND WAS ASSIGNED TO SCI-CAMP HILL.
- 7. EACH DEFENDANT IS SUED ENDIVIOUALLY AND EN THEIR OFFICIAL CAPACITIES. AT ALL TIMES MENTIONED IN THIS COMPLAINT BACH DEFENDANT ACTED UNDER THE COLOR OF STATE LAW.

IV. FACTS

- 8. ON DECEMBER 22, 2012, AFTER PLAINTIFF HAD MADE A NUMBER OF VERBAL AND WRITTEN COMPLAINTS AGAINST OFFICER SMITH'S SEXUALLY ENAPPROPRIATE COMMENTS TO THE PLAINTIFF, OFFICER SMITH EN RETALIATION DENIED PLAINTIFF HIS SHAVING RAZOR.
- Q. OFFICER SMITH THEN ENFORMED THE PLANUTIFF THAT EF PLANUTIFF DID NOT LIKE OFFICER SMITH DENYING PLANUTIFF HIS SHAVING RAZOR, PLANUTIFF WOULD GET THE CHANCE LATER TO DO SOMETHING ABOUT ET LATER."
- 10. A FEW MINUTES LATER, OFFICER ANSTEAD CAME TO THE PLAINTIFF'S CELL DOOR ALONG WHILE OFFICER SMITH AND TOLD THE PLAINTIFF THAT PLAINTIFF WAS SCHEDULED TO SEE MEDICAL.
- 11. A COUPLE OF WEEKS PRIOR, OFFICER ANSTEAD HAD WARNED THE PLAINTIFF THAT PLAINTIFF HAD "BETTER LEAVE HER FELLOW OFFICER ALONE."

- 13. ON THE WAYCHBONEDS CONLOGUEUTES-SEKEDOWHERE WAS IENDS/IENDENAMIGORDINARY WAS N'T A LIEUTENANT PRESENT AND ESCRITNIC THEM AS PER SMU POLICY.
- 13. OFFICER ANSTEAD THEN STATED TO THE PLAINTIFF DON'T WORRY BIG MOUTH, HERE IS YOUR CHANCE,

 DO SOMETHING NOW!" AS BOTH OFFICER ANSTEAD AND SMITH CLOSED IN ON THE PLAINTIFF WITH

 TIGHT FIST.
- 14. PLAINTIFF ATTEMPTED TO FIRST GET AWAY, THEN TO DEFEND HIMSELF AS OFFICER SMITH AND OFFICER ANSTEAD USED BYCESSIVE FORCE UPON PLAINTIFF SEVERELY ENTURYING PLAINTIFF'S KNEE AND REQUIRING MEDICAL ATTENTION AND FURTHER TREATMENT.
- 15. ONCE THE ENCIDENT OF EXCESSIVE FORCE WAS OVER BOTH OFFICERS SMITH AND ANSTEAD ESSUED PLAINTIFF TWO SEPARATE FALSE AND RETALIATORY MISCONDUCTS CHARGING PLAINTIFF WITH ASSAULT AND REFUSING TO OBEY AN ORDER. SEE EXHIBITS A -B336940 AND B -B336943.
- 16. ON DECEMBER 29, 2013, PLAINTIFF WENT BEFORE HEARING EXAMINER REISINGER FOR HEARINGS ON MISCONDUCT NUMBERS B336940 AND B336943.
- 17. DESPITE PLAINTIFF HAVING ENFORMED HEARING EXAMINER REISINGER THAT PLAINTIFF WAS

 FUNCTIONALLY TILLITERATE AND DID NOT UNDERSTAND THE LAW OR COMPLETELY UNDERSTAND THE

 MISCONDUCT PROCESS, HEARING EXAMINER REISINGER DENIED PLAINTIFF ASSISTANCE FROM A FELLOW

 PRISONER OR ANN OTHER FORM OR ASSISTANCE.
- 18. TN ADDITION, HEARING EXAMINER REISINGER HELD THE PLAINTIFF'S MISCONDUCT HEARING AT THE PLAINTIFF'S CELL DOOR ENSTEAD OF ENSIDE OF THE MISCONDUCT HEARING ROOM.
- 19. HEARING EXAMINER REISINGER ALSO REPUSED TO SWEAR IN THE PLAINTIFF OR THE PLAINTIFFS WITNESS MR. BORRERO.
- 20. PLAINTIFF'S WITNESS MR. BURRERD WAS NOT ENTERVIEWED ENSIDE OF THE HEARING ROOM, BUT WAS INTERVIEWED AT MR. BORRERO'S CELL.

- AL. HEARING EXAMPRED 1920-00-06-96-15-16-15-5-FREDEFUSTATING THE PLAINTIFF WAS KICKING. THIS REPORT IS REFUTED BY MR. BORRERO, SEE EXHIBIT C.
- 20. HEARING EXAMINER REISINGER EVENTUALLY FOUND PLAINTIFF GUILTY OF BOTH MISCONDUCT B 336940 AND B336943 AND GIVEN TWO SEPARATE SANCTIONS FOR ONE ALLEGED ENCIDENT.

V. LEGAL CLAIMS

- 23. PLAINTIFF RE-ALLEGE AND LINCORPORATE BY REFERENCE PARAGRAPHS 1-23.
- A4. DEPENDANT OFFICER SMITH USED EXCESSIVE FORCE AGAINST PLAINTIFF BY KICKING AND THROWING PLAINTIFF TO THE HARD SMY FLOOR WHEN PLAINTIFF WAS NOT VIOLATING ANY PRISON RULE, AND WAS NOT ACTING DISRUPTINELY. DEFENDANT SMITH ACTED OUT OF RETALIATION FOR PLAINTIFF'S VERBAL AND WRITTEN COMPLAINTS ABOUT DEFENDANT SMITH'S SEXUAL ENAPPROPRIATE COMMENTS.
- AS. DEPENDANT OFFICER SMITH VIOLATED PLAINTIFF'S FIRST AND BIGHT AMENDMENT U.S. CONSTITUTIONAL RIGHTS BY RETALIATING AGAINST PLAINTIFF AND CAUSING PAIN, SUFFERING, PHYSICAL INTURY TO THE PLAINTIFF'S RIGHT KNEE, AND EMOTIONAL DISTRESS.
- AG. PLAINTIFF WAS TOLD BY A SMU LIEUTENANT THAT DEFENDANT SMITH WAS DISCIPLINED BY

 SCE-CAMP HULL STAFF FOR HIS ROLLLY VIOLATIONS ENVOLVING THE DISCIDENT CONCERNING THE

 PLAINTIFF.
- 27. DEPENDANT OFFICER ANSTEAD USED EXCESSIVE FORCE AGAINST PLAINTIFF BY HELPING OFFICER SMITH KICK AND THROW PLAINTIFF TO THE HARD SMU FLOOR WHEN PLAINTIFF WAS NOT VIOLATING ANY PRISON RULE, AND WAS NOT ACTING DISRVPTIVELY. DEFENDANT ANSTEAD ACTED OUT OF RETALIATION FOR PLAINTIFF'S VERBAL AND WRITTEN COMPLAINTS ABOUT DEFENDANT SMITHS SEXUAL ENAPPROPRIATE COMMENTS.

- 28. DEFENDANT OFFICER: 12-57800464-54-58-PLDOCUMENT IRSFIRMO SMENT 2 MEND MENT 241. S.

 CONSTITUTIONAL RIGHTS BY RETALINTING AGAINST PLAINTIFF AND CAUSING PAIN, SUPPERING,

 PHYSICIAL CINTURY TO THE PLAINTIFF'S RIGHT KNEE, AND EMOTIONAL DISTRESS.
- 29. PLAINTIFF WAS TOLD BY A SMY LIBUTENAMY THAT DEFENDANT ANSTEAD WAS BOTH DISCIPLINED AND REASSIGNED FROM THE SMY FOR HER POLICY VIOLATIONS ENVOLVING THE ENCIPENT CONCERNING THE PLAINTIFF.
- 30. DEPENDANT HEARING EXAMINER REISINGER VIOLATED PLAINTIFFS SUBSTANTIVE AND PROCEDURAL DUE
 R PRICESS RIGHTS.

VI. PRAYER FOR RELIEF

- 31. WHEREFORE, PLAINTIFF RESPECTFULLY PRAY THAT THIS COURT ENTER JUDGMENT!
- A GRANTING PLAINTIFF A DECLARATION THAT THE ACTS DESCRIBED HEREEN VIOLATED HIS RIGHTS UNDER THE CONSTITUTION AND LINUX OF THE UNITED STATES.
- B- GRANTING PLANTIFF COMPENSATORY DAMAGES IN THE AMOUNT OF \$ 50.000 AGAINST BACH DEFENDANT,
 OFFICER SMITH AND OFFICER ANSTEAD.
- C-CRANTING PLAINTIFF COMPENSATORY DAMAGES FUTHE AMOUNT OF \$5,000 AGAINST DEFENDANT REISINGER
- D- PLAINTIFF SEEKS PUNITIVE DAMAGES IN THE AMOUNT OF \$50.000 AGAINST DEFENDANTS SMITH AND ANSTEAD.
- E- PLAINTIFF SEEKS COURT COST, ASTORNEY FEES, AS WELL AS ANY OTHER ADDITIONAL RELIEF THAT
 THIS COURT DEEMS TUST AND APPROPRIATE.

Case 1:12-cv-00469-JEJ-SF Document 1 Filed 03/15/12 Page 6 of 24 THIS COMPLAINT ES MADE RESUANT TO 28 U.S.C. \$ 1746.

SIGNED: Anthony Bussey PY8745

parei March 8, 2012

ANTHONY BUSSEY RY874 SMU AT CAMP HILL

P. O. BOX 200

CAMP HILL PA 17001-0200

CC: FILE

FORM DO	C-141 PART 1	COMMON	2.3						
1	CONDUCT DEDOC	DEPART RT DOTHER D	DC-A				ons B 336940		
DC Nu	CONDUCT REPOR	RT OTHER D	Facilit				24 Hr. Base Incident Date Date of F	Renc	ort .
FY87	40 Cuse	4. Anthony	SC10		moido	-	10 13-23-11 13-33		
Quart		E-Block D	pod						
		OTHER INMATES OR STA		VOLVI	ED OR W	VITNESSI	ES (CHECK I OR W)		
DC Nu	mber	Name	í	W	DC N	umber	Name	ı	w
	COI H	offner	1				4		
	COLA		1			:			\Box
		112 1000	1						
MISCONDUCT CHARGE OR OTHER ACTION Class + + + Assault Class + 1 + 35 Refusing to obey									
			<u> </u>				1032 4 1 - 35 Ketozuig 47	O	26.A
an order									
STAFF M	EMBER'S VERSION	On the above	dat	p an	id tim	re wh	ule ossisting medical in		
							ted to kick me. After H	16	
	, ,		•				oor to gain control of th		
							the floor he was attem		ina
					•		the inmate to stop Kick		
•		4					ere refused initially as		
							laced in shackles and	_	
		2 on Hiw 114					•		
					•				
			·						
	· · · · · · · · · · · · · · · · · · ·				···	*.			
IMMEDIA.	TE ACTION TAKEN	AND REASON Rum	ain	Pr	een	t 51	tetus in the Smu un	F;	
Seen	by Hear	in Examiner.							
	RE-HEARING CON	INÉMENT	· L	TN	۸۴۶)		
A. A. A.	IF Y	'ES							
KL YES	TIME	DATE	大	e(e)	er T	O He	EARING EXAMINOR		
□ NO	1724	12-22-11	REQU	est fo	OR WITN	FORM ESSES AN	MS GIVEN TO INMATE ND REPRESENTATION INMATE'S VEF	RSIO	N
,	REPORTING STAFF M SIGNATUBE AND T		NG C.O.	REVIE ON D	WED AN	D'APPRO	DATE AND TIME INMATE GIVE! BE AND TITLE DATE, TIME 24 HOU	V CO	PY
COIS	A STATE OF THE STA	Brian Smith			\gg		12/22/11 2120		
YOUR	HEARING MAY BE SO	HEDULED ANY TIME AFTER TIME	3	MIS	CONDUC	T CATEGO	ORY Signature of Person Serving Not	ice	
	12 23/11	0800		Ø c	LASS 1	□ CLA	SS 2 (). V. \)	<u>(c</u>	٠,
Vou are set-	dulad for a bearing on the	allegation on the data and time			INMATE	after se nos	ssible. You may remain silent if you wish. Anything		
							sside. You may remain stent if you wish. Anything to or criminal prosecution. If you choose to remain siler		8

WHITE — DC-15 YELLOW — Inmate

are found guilty of a Class 1 misconduct, any pre-release status you have will be removed.

hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you will be asked no further questions. If you

Case 1:12-cv-00469-JEJFSHWBocument 1 Filed 03/15/12 Page 8 of 24 • .

			7-17-18-18-18-18-18-18-18-18-18-18-18-18-18-	** ₇	
Rev. 2-08	RT 2A		OF PENNSYLVANIA		
INMATE REQUEST F REPRESENTATION	OR AND WITNESSES	DEPARTMENT C	F CORRECTIONS		
DC Number FY8740	R	Name USEY, Anthon	Facility SCIC	Date	Number as on Part I B336940
You have been completing the	n charged with a messection(s) below.	nesses at your hearing, yo	f	nesses to appear a	at your hearing by
your housing o	officers no later than	9:00 a.m. the next day aft	er you receive notice of t	he misconduct.	
Assistance:		ssistance nce by <u>MARK Robinson</u> ested must be willing to assis		all is the	an define
Witnesses:		witnesses in accord with DC- testimony the witness will give		nce and	·
*	•	If Inmate	DO NOT	WRITE IN THIS SE	CTION
		lo. Quarters		se by Hearing Exam	1
Why is this p	rcro JB 2013 person's testimony re Cratc Me Be	levant and important? Lause He Witnessed	Witness per	mitted?	
The Event	•		Bussy Kee		the offering
†	\$		het shin	the nous	a 5 kgs lem
× 2. Name of Maurice Edu Why is this p He Will Eynn	Jards EH 2541	If Inmate o. Quarters levant and important? ausc He witnessed	Witness per	TO	why not?
The Event			serveres or	geull	
3. Name o	of Witness: N	If Inmate o. Quarters	Witness per	mitted? If not,	why not?
Why is this p The Regulat, Submitted as	erson's testimony rel Vie 12-2211 SMU EVIDENCE THE	evant and important? Black Video tape be	Hol nea	ed to del	lana
Exunerate me	2			The state of the s	
+ Offen	Sweet				
This section to be c	Inmate's Signat		7.	1 km	<u>'</u>
Received completed	d form	nours Date	' Hearii	ng Examiner's Signa	ture
	Housing Officer's Si	gnature			Mary James States

DC-141	PART 2 C	COMMONWEALTH OF PENNSYLVANIA	A	
	EARING SUPPLEMENT ON AND WITNESS STATEMENT:	S DEPARTMENT OF CORRECTIONS		
DC Number		Name	Facility	No. from PART I
FY8740		, Anthony	13.22-11	3336940
INMATE'S VE	RSION_ Plead Not	Guilty to miscondect Non	When B 336940. 0	ON DIG DC-141
Pact 2A	Form I Reques	ted Assistance From Inc	unte Mark Robin	ison, who is A
Certified	Poraceal And us	ho Helped me to Fill our n	14 Tumate Versi	arz. I Also
Repuesto	I that a staff	wenter Be Allowed to A	Issist WIC By G	dherma
Fudence	And Interviews	in whiteses on my Behalf	Since I am Co	utided to my
Cell 24 H	wis A Day 7 Days	a WEEK which wakes	If IMPESIBLE	For ME To
TNIERVE	IN WITHERES OR	CATHER EVIDENCE. I HIM	I NOTING ALL OF	this on my
T.NIIH: E	IERSION BECAUSE	SMU OFFICERS REFUGED TO	SIGN AND TUR	N IN My
DC-141 PA	IT DA FORM THEIR	REASONING IS THAT IS AS	CHULTED A FE	HOW FELLOW
OFFICER"	JAKGFAK AS THE	HUSCOPPUCT ET IS AN ATT	EMPT 10 MYCR.	BOH OFFICER
SOUTH AN	DANTEAUS RETA	CIATION AND PROCEOURE WA	ATIONS - OFFICE	2 SMITH AND
I MAYE B	BEEN HAVING VER	BAL CONFRONTATIONS FOR ARO	Y ONE MIONTH NO	U, BASED UPON
HIS Sexu	INIY THAPPROPRIAT	E COMMENIS TO AUGELF	AND OTHER SMO	RISONERS
		AD ENTERED INTO THE ST		_ /.
# AGO T	VHEN SHE TOLD	ME TO IFALT HER FEllow	O OFFICER HICHE	FOR ELSE"
ON 12-22-1	SMITH RETUSE) TO PROVINE ME A SHAUN	GRAZOR, HE THE	N TOLD ME
THATIF	I DID NOTLIKE I	+ I would GFT MY CHANCE	FLATER TO YOU	ONE WETHING
ABOUT It	ATER WHEN OFFIC	ER SOUTH AND ANSTEAD CA	WE TO CET ME !	AND SAIDI
WAS TO SE	E MEDICAL, ON T	HE WAY TO MEDICAL, I AS	KED WHY WASN	+ A CIEUTEANT
ESCOTTING	V. OFFICER MUS	TED THEN SAID DON'T WORK	y BIG MOUTH, HE	RETS YOUR
		SHE AND OFFICER SMITH BE		
FIF DE	FINE, I DEFEN	DED MYSELF. OFFICERS SI	BUTH AND ANSTA	FAV BOTH
		FOR ONE INEIDENT. THIS		
REMOVED.	ME From my (Ell WITHOUT A LIEUTENAN	VT Slow: THEIR	R INTENTIONS
REVIEW TO	IF SMU TAPF U	HICH WILL SHOW THAT I	DID NOT HSSHULT	ANYONE
NLSO PIET	IF AME CALL MY	WITNESSES HECTOR BORRE	FRO-J132013 AND	MAURICE
DIVARDS	FH 3540 wtb w	ILL EXONERATE ME BELAU	SE THEY WITH	SSFD THE
		MISCONDUCT OFFICERS NO E		
CHARGES,	FIND OFFICER A	NSTEADS MISCONDUCT IS	A CONSPITE	ABRICHTION.
EACH ALL	CONDUCT Should	BE DISMISSED WITH PK	EJUDICE ADDING	NICY, NFFREK
		F CO HOTTNER OR C.O.		
of work	FSSES.			

		HYPEHL 10) PKC		
	DC-141, Part 2 E	COMMONWEALT	H OF PENNSYLVA		
	Misconduct Hearing Appeal	T	OF CORRECTION		No. Energ Double
	DC Number	Nam Nam	e . <i>I</i>	Facility SCIC	No. From Part 1
	Fy8790.	If Inthony Busse	9		1220110
	I was found guilty of miscond	luct number <u>336940</u>	>	- on <u>12-29</u> -	-201\ (date)
		-	decision on the fall	louing grounds:	(
	by the Hearing Examiner, and	d i wish to appear that	decision on the foil	lowing grounds.	
Ì					
		Check Area	(s) Involved		
l	a. the procedures em	nployed were contrary	to law, Department	directives, or re	egulations;
	b. the punishment is	disproportionate to the	e offense; and/or		
	c. the findings of fact	were insufficient to su	pport the decision.		
ı	Below is a brief statem	ant of the feets releve	ent to my plaims(s)	It includes the i	dentity of all
		ient of the facts relevantly have information that			
	The sonal is being ?	show Hed Dur Swan	, /	\$ 1746. Due 10	1 1 0 0
ľ	Company the Law	Meny with the fac		inctionally I	Witerate I
		receiving HSSI	1 11	Filing this His	weat from A
ľ	tellow Dissone i Wish		nderet Numbe		ing with all
	1 1 2 1 -	SUES. I Also Appea	11111111	//	miner Denied
1	me Due Process Becaus	Despite my Havn	Informed the	Hex that	is Not understand
	the Law am functionally.	Illiterate The He	x semed me a	assistand fro	ma fellow prisoner
	In Axpition, The hear	ng Examiner Helo	my Hearing a	at my Cell D	nor when I Asked
1	the Hearing Examiner 1		1		1 1 1 1 1
4	Hex refused to swear re	ne in, and the He	paring Examine	r Filed a Fai	1.1
4	hat my witness mr Box		1111		Jas Kicking. I
K	spoke to my Borrero wh	o States he neu	1	was Kicking	
ł	hat I was not kincking. This	1 . 11 - 0		pireio in and	held. The Examin
1	ertion of mr Borrero at		11 11	Sanctioned r	ne to tous separt
	ate sonctions to one In	1 0 11	· · · · · · · · · · · · · · · · · · ·	erved two m	100
Ц	1 1	o tape of the 12	1-93.11 Incide	nt be presen	1
2	is i thin to pursue tegot	11 0 1	HICERS SMITH O	Ma Huzieac	intere Disciplined
\	me to procedure notation	· · · · · · · · · · · · · · · · · · ·	s misconduct	Should be	Dismissed and
1	2	regrd.	10 0	OKIO	
_	(Inthony 1804) Inmate's Signa	ature	January 3	Date	
	// Digit				l l

Revised 2/01

White - DC-15

Yellow- Inmate

DC-141 Part 2B COMMONWEALTH OF PENNSYLVANIA Rev. 6-84 DISCIPLINARY HEARING REPORT DC Number Name Facility Hearing Date Hearing Time No. from Part 1 SCIC 12/27/11 PLEA Not Guilty HEARING ACTION CHARGES FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED Annel Busy plants of guilty for Charges # 1, #35. Sanct Guilty plants of guilty for Charges # 1, #35. Sanct Guilty plants of guilty for Charges # 1, #35. Sanct Guilty plants of guilty for Charges # 1, #35. Sanct Guilty plants of guilty for Charges # 1, #35. Sanct Guilty plants of guilty for Charges # 1, #35. Sanct Guilty plants of guilty for Charges # 1, #35. Sanct Guilty plants of guilty for Charges # 1, #35. Sanct Guilty plants of guilty for Charges # 1, #35. Sanct Guilty plants of guilty for Charges # 1, #35.
DISCIPLINARY HEARING REPORT DC Number Name Facility Hearing Date Hearing Time No. from Part 1 FY 8740 BUSEY, A. SCIC 12/27/11 1230 B336940 INMATE PLEA Not Guilty Other HEARING ACTION CHARGES FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED Analo Busy plants and garly to charge # 1, #35. Fanalo Busy shire he nove known of speed on argone. MEX intervewed termal Borner who 5 below that "I was"
DC Number Fy 8740 BUSEY, A. SCIC 12/27/11 1230 B336940 INMATE Guilty Other HEARING ACTION CHARGES #1, #35 FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED Annal Busy plants not youlf to charges #1, #35. Sanat Busy shies at nown known a spel on argone. It X intarward summal Barres who 5 help that "Hwas"
INMATE Guilty No Plea Verdict Suilty Not Guilty HEARING ACTION CHARGES # 1, # 35 FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED Annel Busy plants and youlf to charges # 1, # 35. Sanct Busy states are never known a spel on again. It X interviewed turnel Barrier who 5 teles that "I I was"
PLEA P Not Guilty Other Verdict Not Guilty HEARING ACTION CHARGES #1, #35 FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED James Busy plants not youlf to charges #1, #35. James Busy splin he now backer a spel on argone IEX intervened turned Borne who 5 teles that "Hwas"
FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED Sand Busy plants and yoully to changes # 1, #35. Sand Busy shies he never becked a spel on argone. IEX intervewed samuel Bosses who shelve that "I was"
FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED Sand Berry plants and youlf to charges # 1, #35. Sand Berry steles he never broken a spel on aryone IEX intervewed samuel Barres who shew that "I was
Innel Busy plants and youly to charges # 1, #35. Sand Busy stiles we never breken a spel on ayone. IEX intervewed samuel Barres who 5 teles that "I was
IEX intervewed some Borns who shell that "I was
IEX intervewed some Borns who shell that "I was
on " Amusis Bourso Stabil that Busing was kicking at
the Opperis, but claime he never sew Berry spection wayone.
HEX keleves officer Smalki with right and must Boresion
terling over much Busy donal, that Busy his assente
More small by ellengting to lack office Small and reference
annal news 6 sty puchage. Any slange to somet in
who is the same is if the withou had been completed
Apripordance of widowe work to support change 1, 43
(Indy # 1 - 90 day oc
YES NO The inmate has heard the decision and has been told the reason for it and what will happen.
THES INO The circumstances of the charge have been read and fully explained to the inmate. SEE APPENDICES
The opportunity to have the inmate's version reported as part of the record was given.
The inmate has been advised that within 15 days a request for a formal review may be submitted and that this request must contain specific reasons for the review.
NAME(S) OF HEARING EXAMINER/COMMITTEE (TYPED OR PRINTED) Hearing Report and all appended information must be signed. Signature indicates finished report with appendices.

SIGNATURE OF HEARING EXAMINER/COORDINATOR

DC-141 Part III COMMONWEALTH OF PENNSYLVANIA Program Review Committee Action Department Of Corrections Misconduct Appeal Periodic Review Other								
DC Number	Name	Institution	Date of Review 01/09/12	No from Part I				
FY-8740	BUSEY, Anthony	SCI-CAM		B336940				

PROGRAM REVIEW COMMITTEE'S DECISION AND ITS RATIONALE

The above named inmate is appealing the decision of the Hearing Examiner on misconduct # B336940 on the following grounds:

- ☑A. The procedures employed were contrary to law, Department directives, or regulations
- ☑B. The punishment is disproportionate to the offense
- ☑C. The findings of fact were insufficient to support the decision

PRC Decision: PRC has reviewed the misconduct, your appeal, and supporting documentation and has determined that:

区A. The procedures employed did/did not violate law, Department directives, or regulations

There is no evidence of any action taken that was contrary to DOC policy or procedures.

☑B. The punishment is/is not proportionate to the offense

The sanctions imposed were in accordance with DC ADM 801.

☑C. The findings of fact were/were not sufficient to support the decision

The evidence presented supports the findings of the Hearing Examiner. The HEX found the misconduct report and witness testimony to be clear and credible that you attempted to kick the Officer and refused orders to stop doing so. In addition, you provided no further evidence to support your claims.

The above named inmate was informed of the PRC's decision in writing.

DECISION RELATIVE TO HEARING COMMITTEE'S VERDICT Exonerate Inmate ☐ Refer Back for Further Study □ Not Applicable Sustain □ Sustain-Amend Names of Program Review Committee Members Signatures Date Scott Moore, Corrections Classification & 01/09/12 Program Manager Timothy Henry, Deputy Superintendent 01/09/12 Diagnostic Center Kathleen Zwierzyna, Deputy Superintendent Centralized Services 01/09/12

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS Second Level Appeal SCI-CAMP HILL Misconduct Appeal □ A/C Appeal Misconduct No. **DC Number** Location Name **ANTHONY BUSEY** E-D-1008-01 B336940 FY-8740 SUPERINTENDENT'S DECISION: Mr. Busey, I have read all the documentation you submitted, the findings by the Hearing Examiner and your appeal to the PRC. All grounds of your appeal were addressed & I find that you present no additional evidence then what was submitted in your first level appeal. Therefore I am sustaining the PRC's decision and denying your appeal.

DECISION RELATIVE TO SECOND LEVEL APPEAL

Deputy Henry Mr. Moore

Sustain

SIGNATURE

Untimely

DC-15

Deputy Zwierzyna **Hearing Examiner** File

2-1-12

DATE

Exonerate Inmate

Refer Back to P.R.C



Sustain-Amend

Case 1:12-cv-00469 JED SHI Bocument 1 Filed 03/15/1/2 Page 14 of 24

FORM DC-141	PART 1	СОММО	NWEAL	TH (OF PENNSYL			
Rev 8/05					CORRECTION			
	UCT REPOR				01 INFORMAL			
DC Number	Bus	Name (Facility	′	Incident Time 2	4 Hr. Base Incident Date of		ρπ
Quarters	Place of Inci		7	1	x l		/ (/	
9	<u> </u>	OTHER INMATES OR S	TAEE INV	OLVI	ED OD WITNESS	ES (CHECK I OB W)		
	<u>`</u>	, ' 	, ,	w		Name	١,	\w/
DC Number	/1 1	Name		VV	DC Number	Name	┼-	W
	(1) 4	Wilner	$\perp \times \mid$				ļ	
	1911 P	S.T. Smith	\rightarrow					
MISCONDUCT	CHARGE OR	OTHER ACTION)SS 1=	+1	Assault	Class/135 Rekusin	4 7	10
OVEU	an or	deP					/	
	<u>.~</u>							
STAFF MEMBE	R'S VERSION	on the a	hour	1	ate am	time while brin	31	20
inmote	BUSEL	FV87411	0111	OK	his Mil	to optain a weing	11	9
he all	empted	to Pick of	VKIC	e V	Smith	Inmate was the	2	
WINCON	an Il	10 KIDDE III	16/10	h	eine Ola	cad on the Elpok 1	n	nst o
WINS VI	dina	And Ctri	10 100	m	Inis	Elicop on the vi	2111	2/
Side a	Kny	ribs To	ave	1 (2221270	reveral orders to	70	
5/20	Dickel	- / /-	,	1/	11 oxdo		ne	1
10000	1 LKAT	9 AT OFFICE	ers.	<u>//</u>	15000		7 K.	_
Call	idabi d	praced 1		$\overline{}$	irons a.	A TETUTAL TOTAL		-
(Ma)	THE P	10 Furth	CVIV	701	dent.			
	<u> </u>					· · · · · · · · · · · · · · · · · · ·		
		<u> </u>						
								
IMMEDIATE AC			main	pr	esunt St	etus in the Smu un	<u>til</u>	
Seen by	Hearin							
PRE-HE	ARING CONF		(<u> </u>	meem	<u> </u>		
	IF Y		-	<u> </u>				
X YES	TIME	DATE	Ke	ren		RING 2XXXII USB2. MS GIVEN TO INMATE		
LI NO	926				OR WITNESSES A	ND REPRESENTATION A INMATE'S VI		
	TING STAFF MI NATURE AND TI		ACTION1 IKING C.O.	ON	WED AND APPRO	VED BY DATE AND TIME INMATE GIV RE AND TITLE DATE TIME 24 HO		
On Alla	atrad		>		- Sw	12/22/11/2120)	
YOUR HEARI	the transfer of the same in the	HEDULED ANY TIME AF	TER	MIS	ONDUCT CATEGO	ORY Signature of Person Serving N	tice	
_ 72	DATE.	SOO	1		LASS 1 🗆 CLA	00,00	رہ/	
			NOTIC	CE TO	INMATE	1 Grand Common C		
say will be used again	nst you both at the	e misconduct hearing and in	a court of las	w, if thi	is matter is referred fo	ssible. You may remain silent if you wish. Anythin or criminal prosecution. If you choose to remain sil	ent, th	e
hearing committee/ex	kaminer may use y	your silence as evidence aga ct, any pre-release status you	inst you. If y	ou ind	icate that you wish to	remain silent, you will be asked no further question	s. If y	ou
and a sent of a		,,						

DC-141 PART 2A COMMONWEAL	TH OF PENNSYLVANIA
Rev. 2-08	T OF CORRECTIONS
DC Number BUSEY, HN HONU	Facility Date Number as on Part I
You have been charged with a misconduct. You may recompleting the section(s) below.	quest assistance and/or witnesses to appear at your hearing by
In order to have assistance or witnesses at your hearing, your housing officers no later than 9:00 a.m. the next day	you must complete this form and present all copies to one of after you receive notice of the misconduct.
Assistance: L. I do not request assistance	500 AM 5837 per tag lim ocon leplace soist you)
Witnesses: You may request witnesses in accord with E importance of the testimony the witness will	
If Inmate > 1. Name of Witness: No. Quarters	DO NOT WRITE IN THIS SECTION For Use by Hearing Examiner
Hector Borrero-JB 2013 Why is this person's testimony relevant and important? There is says why 25-11-5	Witness permitted? Gelf-not, why not?
le UNII Exonérate me because he witnessed The EVENT	he saw Busey kicking the Huse
If Inmate	and 5 miles the state of the
2. Name of Witness: No. Quarters Maurice Edwards, 3540 Why is this person's testimony relevant and important? He will Exoncrare me because he Witnessed the Event	Witness permitted? If not, why not? Mot needed to detains more or quell
If Inmate 3. Name of Witness: No. Quarters	Witness permitted? If not, why not?
Why is this person's testimony relevant and important? Request the 12 22-11 smu Block video Tape be ubmitted as Evidewee The tape will	mustale to delaw
trunerate me.	
+att Burney	
Inmate's Signature	
This section to be completed by Housing Officer only	Hearing Examine's Signature
Received completed form hours Time Date	
Housing Officer's Signature	

Γ	DC-141	PART 2 C	COMMONWEALTH OF F	PENNSYLVANIA	
		ARING SUPPLEMENT N AND WITNESS STATEMENT	DEPARTMENT OF CO	PRRECTIONS	
	DC Number	1211-	Name	Facility	No. from PART I
	t 48740	1 OUSU,	HAMIONY	1046	B336943
1	INMATE'S VER	- Rleadnot	guilty to miscond	ct number B 336943 6	n my M-141
	part DA Fo	in I requested	Assistance From Z		hois A Certifes
	<u>paracegal</u>	and who hepped	rice to Fill out my	0 // - /	sequested that
4	2 Staff V	nevolci Be Allow	0 //	misy gathering funderice	4 And Interviewing
4	Nitresses o	on my Behalt Sing	P. Iam Contined to	my Cell 24 Hars a Day,	7 Day A INEEK,
1	Uhich mak	es It impossible	e for Me to interview	Justnesses or gathes a	of A Am
1	- AM Noth	ng All of this on	my unmade Version	Because Spin of Files F	Ketused to Sign
4	and furn	in my DC-141 pm	rt 2A Foin they v	easing 15 that I ASSO	WHEN a Fellow
¢	Hoer In	sofar as the muse		Afferiant to Cover Both	h officer Smith
4	and Elistee	ads Ketchinton	11	11005, Officer Shirth and	1 have Been Hour
1	161 hal Con	<u>(rontation for Ubo</u>	11 one month how	Based upon His Sexual	Ily thappropriate
4	omments	to mysett and o	/ 4 / /		Tall offered into
<i>\</i> ≠ <i>\ \ \ \ \ \ \ \ \ \</i>	he Situation	LI DOUT FULL WA	20K3 Moo When Ske	told me to leave her	a provide
#	none or El	se on 12 20-11 of	LICE SMITH YEIUSE	of to provide me a she	avine para 116
#	hen told n	10 May 11/ DIL	NOT LIKE IT I WE	1 7 9 7 7	and said into
4	10001 // -	lied of /	1 1 1 - 4	had came to get me	who was too to
	o see men	noted ben so	-1 - 11	mouth Hore To the	Chance Do conting
1	led charge	ad Affirer Begon	to close in on une	So in self Delance T	Defended mich
1	Acres <	with and Dostell	d Both issued me	a wedged at for one	incident flux Fact
Ĭ	long with	them Having VEH	mied me Form m	Lell without a Lieur	levent shoot
	heir inter	Hous Please R.	new the som to	a which will show the	nat i Dil Not
A	SauH An	yone Also Dleas	· Cell my witnesse	es Hector Borrero-JB20	13 and majorie
				Because they witness	
1	Pirec Shi	th misconduct a	ficers No Evidace	to support the charge	es, and officer
	psleads	misconfuct 1	a complete fabrica	tion Each inscontict	should be
0	singsed 1	with prejudice.	Additionaery office	er smith Does Not Li	t co Hoffner
ZI	CO. Ans	lead were in	lued or witness	es.	
1			enam a communicamente na reference sua forbione e a como e disconamentamente al communication de la companya d		restructive restrictive and the control of the cont
			· · · · · · · · · · · · · · · · · · ·	And the second s	
		· · · · · · · · · · · · · · · · · · ·			
L			· · · · · · · · · · · · · · · · · · ·		
Γ		-			

			Lity some			
DC-141 F	Part 2B	СОММО	NWEALTH OF	PENNSYLVANIA		
Rev. 6-84	IT A DIVID DEDORT	DEP	ARTMENT OF C	ORRECTIONS		·
DISCIPLINARY F	HEARING REPORT Name		Facility	Hearing Date	Hearing Time	No. from Part 1
FY8740	BUSEY		5c1 C	12/27/11	1235	8336943
	☐ Guilty	□ No Plea		- Guilty		9000.70
INMATE PLEA	Not Guilty	☐ Other		Verdict		. •
	- 1, 35		HEARING A	CTION		
01115050		_	TIE/TITAL T	011014		ī
CHARGES	#1, #33					
		04110710110				
FINDINGS OF	FACT, VERDICT, AND	SANCTIONS	IMPOSED			
1	· Ba		_			
ather ali	surry s	wends of	nd go	my 6 chry	per H /1	435
Annali	Burn 66	1. 1	1		,	
	, I he	as no	never	Kuhid on	The on 1	h Openia
an 12/8	27/11 then Us	- \/		•		
	In The ME	× mi	arrand	annak Den	un A	1 3 heles
Thus "	It was in	1 7 Rs		las on to		
	J . L		revie w	en on to	5 6/10 3	TALF
Me Su	w som ale	Bene	lack	ing at the		
		- Consultation	e roun	my w the	Offens	, but
lams	he never i	saw !	Bene i	made on 1		
therens				all on a	your .	
	3.0	14 27//	112	/):		
HEX he	luvis Mr.	./ //				10 10 10 10 10 10 10 10 10 10 10 10 10 1
tinh	The	Ans	leads (wille right	and som	it Correros
amon	y is ma	ridile	4	so note to	Eggen /	need the
Busan	Hart		. / Mari	much &		, we , pup
	- course	Office	in An	steer by 1	school to	on an
the my	he side of	Au	note.	1. /		
10 1/1		1	wer.	Busy rep	usel so	was it order
10 3	krenny.	1	ry on de	und of m	rela i s	XML 6
sund	shings 18 (N35.		11/1-7	D PL	AC.
				1475 90	han To	//024
	NO TI :			123 71.0		W 18221
AET YES []	NO The inmate and what wil		decision and h	as been told the reason	nor it	1 23694
YES [NO The circums	tances of the o	charge have be	en read and fully explaine	60 to [
DATES D	the inmate. NO The opportu		he inmate's vo	rsion reported as part of		APPENDICES
	record was g	iven.	e e e e e e e e e e e e e e e e e e e	Del	slas turates	· want
YES				5 days a request for a fo		ictor)
	review may	and the second s	and that this f	equest must contain spe	Pillo	
NAME/OV OF			Unada-	Poport and all appointed	information must	he signed Signature
	HEARING EXAMINER (TYPED OR PRINTED)			Report and all appended finished report with appe		ne ziduea: oldusinie
				. / 1		

WHITE - DC-15

YELLOW - Inmate Cited

PINK - Staff-Member Reporting Miscondu

GOLDENROD - Deputy Superintendent

Case 1:12-cv-00469 JEJ-SF Documen 1 Filed 03/15/12 Page 18 of 24

APPEAL TO PRC

I was found guilty of misconduct number 336943 - on 12-29-2011 (date) by the Hearing Examiner, and I wish to appeal that decision on the following grounds: Check Area(s) Involved a. the procedures employed were contrary to law, Department directives, or regulations; b. the punishment is disproportionate to the offense; and/or c. the findings of fact were insufficient to support the decision. Below is a brief statement of the facts relevant to my claims(s). It includes the identity of all persons who may have information that may be helpful in resolving this matter.
I was found guilty of misconduct number 336943 - on 12-29-2011 (date) by the Hearing Examiner, and I wish to appeal that decision on the following grounds: Check Area(s) Involved a. the procedures employed were contrary to law, Department directives, or regulations; b. the punishment is disproportionate to the offense; and/or c. the findings of fact were insufficient to support the decision. Below is a brief statement of the facts relevant to my claims(s). It includes the identity of all persons who may have information that may be helpful in resolving this matter.
by the Hearing Examiner, and I wish to appeal that decision on the following grounds: Check Area(s) Involved a. the procedures employed were contrary to law, Department directives, or regulations; b. the punishment is disproportionate to the offense; and/or c. the findings of fact were insufficient to support the decision. Below is a brief statement of the facts relevant to my claims(s). It includes the identity of all persons who may have information that may be helpful in resolving this matter.
by the Hearing Examiner, and I wish to appeal that decision on the following grounds: Check Area(s) Involved a. the procedures employed were contrary to law, Department directives, or regulations; b. the punishment is disproportionate to the offense; and/or c. the findings of fact were insufficient to support the decision. Below is a brief statement of the facts relevant to my claims(s). It includes the identity of all persons who may have information that may be helpful in resolving this matter.
Check Area(s) Involved a. the procedures employed were contrary to law, Department directives, or regulations; b. the punishment is disproportionate to the offense; and/or c. the findings of fact were insufficient to support the decision. Below is a brief statement of the facts relevant to my claims(s). It includes the identity of all persons who may have information that may be helpful in resolving this matter.
a. the procedures employed were contrary to law, Department directives, or regulations; b. the punishment is disproportionate to the offense; and/or c. the findings of fact were insufficient to support the decision. Below is a brief statement of the facts relevant to my claims(s). It includes the identity of all persons who may have information that may be helpful in resolving this matter.
a. the procedures employed were contrary to law, Department directives, or regulations; b. the punishment is disproportionate to the offense; and/or c. the findings of fact were insufficient to support the decision. Below is a brief statement of the facts relevant to my claims(s). It includes the identity of all persons who may have information that may be helpful in resolving this matter.
b. the punishment is disproportionate to the offense; and/or c. the findings of fact were insufficient to support the decision. Below is a brief statement of the facts relevant to my claims(s). It includes the identity of all persons who may have information that may be helpful in resolving this matter.
c. the findings of fact were insufficient to support the decision. Below is a brief statement of the facts relevant to my claims(s). It includes the identity of all persons who may have information that may be helpful in resolving this matter.
Below is a brief statement of the facts relevant to my claims(s). It includes the identity of all persons who may have information that may be helpful in resolving this matter.
persons who may have information that may be helpful in resolving this matter.
The angel is being submitted aussigned to 29,1150 & 1746 Due To my lock of
This Appeal is being submitted pursuant to 29 U.S.C. 3 1196, Due To my lack of
Concerning the low Along with the Fact that I am Functionally Illiterate, I wit
to Note that i am Receiving Assistance with Filing this Appeal From A Fellow prisonwer
I wish to appeal misconduct Number 336943 Along with All previously Raised Issues. I
Also Appeal the Fact The Hearing Examiner Denied me Due process Because Despite my
Having Informed The Hex That I Do Not understand the Law am Functionally Illiler
ate The Hex revied me assistance From a Fellow prisoner. In Addition, The hearing Exon
ines Held my Hearing at my Cell Door When I Asked The Hearing Examines to postpone m
Hearing and call my prisoner Assistant. The Hex refused to swear me in, and the Hearing
Framiner Filed a False resport stating that my witness me Borrero whom the Hex
Accuses of saying that I was Kicking. I spoke to Mr. Borrero who states he never said
That I was Kicking, But In Fact stated that I was Not Kicking. The Hex also Refused
to swear me Borrero In and Held The Examination of mr Borrero at his cell. I Appen
that the Hex sanctioned me for two separate sanctions for one Incident. I never
Should Have Received two misconducts I am Requesting that The video Tape of The
12-22-11 Incident be preserved for court as I plan to pursue legal Redeess. Both
officers smith and Anstead were Disciplined Due to procedure notations Therefore
This misconduct should be Dismissed and Expuneed from my Reged
0# -
Inhalf Bussey January 3, 2012 Inmate's Stanature Date

Case 1:12-cv-00469-JEJ-SF Document 1 Filed 03/15/12 Page 19 of 24

			<u></u>	
DC-141 Part		ALTH OF PENN	SYLVANIA	~ 0.11
Program Review	v Committee Action Departmopeal	ent Of Corrections		= IN/or K
DC Number	Name	Institution	Date of Review	No from Part I
FY-8740	BUSEY, Anthony	SCI-CAM	01/09/12	B336943
	EVIEW COMMITTEE'S DECISION A			
misconduct # B3:	36943 on the following grounds:			•
	ocedures employed were contra	ry to law, Departn	nent directives, or	regulations
1 .	nishment is disproportionate to t dings of fact were insufficient to		ion	
PRC Decision determined the	on: PRC has reviewed the misconat:	onduct, your appea	al, and supporting	documentation and has
⊠A. The proc	edures employed did / did not vi	iolate law, Depart	ment directives, o	r regulations
No violation o	f DOC policy or procedures o	occurred.		
☑B. The punis	shment is/is not proportionate to	o the offense		
Sanctions imp the infraction.	osed were in accordance with	h DC ADM 801, a	and were proport	tionate to the severity of
⊠C. The findi	ngs of fact were/were-net suffic	ient to support the	e decision	
misconduct re	presented supports the findireport and witness testimony to ce to support your claims.	ngs of the Hearin to be clear and c	ng Examiner. Th redible. In addit	ne HEX found the ion, you provided no
The above nam	ned inmate was informed of the	PRC's decision in	ı writing.	
☐ Not Applica	DECISION RELATIVE ble Sustain Sustain-An eview Committee Members		IMITTEE'S VERDIC' ack for Further Study Signatures	
				Jaio
Scott Moore, C Program Mana	Corrections Classification & ager	Scota	Une	01/09/12
Timothy Henry Diagnostic Ce	, Deputy Superintendent nter	1. N	Hen	01/09/12
	t Centralized Services	g/gr	varyyn	01/09/12
Original- DC-	15 Copy lemate Sited · Copy- DC-1	14 Copy-DSCS (Copy- Hearing Examine	ec Copy- Superintendent

COMMONWEALTH OF PENNSYLVANIA Second Level Appeal		DEPARTMEN	DEPARTMENT OF CORRECTIONS		
☑ Misconduct Appeal ☐ A/C Appeal		SCI-C	SCI-CAMP HILL		
DC Number FY-8740	<u>Name</u> ANTHONY BUSEY	<u>Location</u> E-D-1008-0	Misconduct No. B336943		
SUPERINTEN	DENT'S DECISION:				
Mr. Busey,					
I have read all and your appea	the documentation you submill to the PRC.	tted, the findings by tl	ne Hearing Examiner		
-	our appeal were addressed & what was submitted in your fir		t no additional		
Therefore I am	sustaining the PRC's decision	and denying your app	eal.		
		to a second of the second of t			
<u>·</u>	DECISION RELATIVE TO	SECOND LEVEL APP	EAL		
Untimely (Sust	tain Sustain-Amend Re	efer Back to P.R.C	Exonerate Inmate		
2	SIGNATURE	DA	<u>\TE</u>		
C 9	entl	2-1-12			

Deputy Henry Mr. Moore cc:

DC-15

Deputy Zwierzyna

Hearing Examiner File

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS 1920 Technology Parkway Mechanicsburg, PA 17050

February 22, 2012

OFFICE OF THE
CHIEF HEARING EXAMINER

Anthony Busey, FY-8740 SCI-Camp Hill P.O. Box 200 2500 Lisburn Road Camp Hill, PA 17001-8837

Re: DC-ADM 801 - Final Review

Misconduct No. B336943 & B336940

Dear Mr. Busey:

This is in response to your appeal to Final Review of the above-numbered misconduct.

In accordance with DC-ADM 801, § 5 (C. 6), I have reviewed the entire record of this misconduct; including the misconduct report, the hearing report and related documents, your appeal to the Program Review Committee and their response, your appeal to the Superintendent and his response. I have also thoroughly reviewed the issues you raise to Final Review.

The issues you raise to Final Review have already been addressed by the Program Review Committee and the Superintendent. On review of the record, this Office concurs with their responses. I find no persuasive basis from which to conclude that the Examiner erred in conducting the hearing. The Examiner specifically documented findings of fact based on evidence presented at the hearing to support the decision. The procedures followed were in complete accordance with DC-ADM 801. The sanction imposed is not viewed to be disproportionate to the offense, and therefore will not be amended at this level.

For the above-stated reasons, the responses provided by the Program Review Committee and the Superintendent are upheld in full. Your appeal must, therefore, be denied.

Robin M. Lewis

Chief Hearing Examiner

Pennsylvania Department of Corrections

RML/srh

Cc: Superintendent Southers

"Our mission is to protect the public by confining persons committed to our custody in safe, secure facilities, and to provide opportunities for inmates to acquire the skills and values necessary to become productive law-abiding citizens; while respecting the rights of crime victims."

THIS DECLARION CASE 1:12-CY-00469-JEJ-SE PACCUMENT OF AND 15 WARD WHENT THREAT, PROMISE, OR FINANCIAL GAIN.

ON 12 27 2011. I, Hector ABOTTEND; STOKE WITH HEARING EXAMINER REISINGER WHILE E WAS ENSIDE OF CELL C-C-1013 AT CAMP HILL'S SMU. AT THAT TIME E ENFORMED HEY RESINGER THAT E FELT THAT E SHOULD FIRST BE SWORN EN BEFORE OFFERING TESTIMONY. THE HEY TOLD ME THAT E DID NOT NEED TO BE SWORN EN. SHE THEN ASKED WHAT OCCURRED ON DECEMBER 22, 2011, CONCERUING PRISONER BUSSEY, OFFICER SMITH, AND OFFICER ANSTEAD. E SPECIFICALLY NOTED TO THE HEY THAT E NEUER WITNESSED BUSSEY KICK OR SPIT AT OFFICER SMITH OR AWSTEAD.

LATER, UPON SPEAKING WITH PRISONER BUSSEY, E WAS ENFORMED THAT HEY-RECINGER PLACED IN HER SANCTION SHEET THAT IS STATED THAT IS HAD WITNESSED BUSSEY KICKING. THIS IS UNTRUE, AND HEY REISINGER HAS PILED A PALSE REPORT.

(5):

HEATOR BORRERS ITB3013
SMU AT CHAMP HILL
P.O. BOYS 200
CAMP HILL PA 17001-0200

DATE! 1 07 2019

CC: PRISONER BUSSEY
MY FILE
BOOLETOS JUD

EXHIBIT C

	ANTHONY BUSSEY - PLAINTIFF	(JULY TRIAL DEMANUE)
	V.	CIVIL No
	OFFICER SMITH	
	OFFICER ANKTEAN	
	HEARING EXAMINER REISINGER	
	DEFENDANTS	
	MARY E D'ANDREA CLERK OF COURT	
	UNITED STATES DISTRICT LIVET FOR	
	THE MIDDLE DISTRICT OF PENNSY WARVING	
	WILLIAM J NEALDY FEDERAL BLOG F US	S LINK (HOKS)
	235 NORTH WASHINGTON AVENUE	
	P.O. BOX (\$50) 1148	
	SCHANTON, PA 18501 1148	
		
	DEAR CLERK D'ANDREA	
	.:	
	PLEASE FAND ENCLOSED (- OPIGNAL COMPL	LAINT AND & COPIES, 1-APPLICATION TO PRICES IN
	FORMA PROPERS 1-PLITHURIZATION FORM 1-	-MOTION FOR APPOINTMENT OF COUNSEL EXHIBIT A -
	MISCONDUCT NO 336940 FYHIBIT B-	MISCONDUCT NO. 338943, AND EXIIIBIT C - DECL
	BY HECTOR BORRIED.	
·····		
	THESE ARE ALL MY CIRCUMSTAINCES ALLOW	W ME TO FROUDE AT THIS TIME. [F EN FORMA
	· ·	ESO KIND AS TO MAKE THE NECESCARY COPIES EN
	ORDER TO ENSURE THAT ALL PARTIES AKÉ T	PROPERLY NOTIFIED, I WOULD BE VERY APPRECIA
<u></u>		
	n#	
	SIGNED Chalkond Sursey	DATE March 8, 2012
	Smu Ar CAMP HILL Pro. 1804 Son CAMP HILL, PA 17021-10300	
	CHANT HILL, NO	

